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5 UNITED STATES DISTRICT COURT
6 DISTRICT OF NEVADA

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8 UNITED STATES OF AMERICA,)
9 Plaintiff,) Case no. 3:08-CR-00041-LRH-RAM
10 vs.))
11 JOSE MARIA FIGUEROA-AVILA,)) ORDER
12 Defendant.))
13 _____)

14 Rene L. Valladares, Federal Public Defender, and Nisha Brooks-Whittington, Assistant
15 Federal Public Defender, have filed a motion to withdraw (#175) as defendant's counsel of
16 record. The court received and reviewed the reduction of sentence report on defendant prepared
17 by Probation. The report concludes defendant is ineligible for a sentence reduction pursuant to 18
18 U.S.C. § 3582(c)(2), Amendment 782, and pursuant to U.S.S.G. § 1B1.10, effective November 1,
19 2014, as he was sentenced to the statutory minimum sentence and in accord with 21 U.S.C. §
20 851(a)(1).

21 The court appointed defendant counsel to determine whether he qualifies for a reduction
22 of sentence. Based upon Probation's report, counsel does not intend to file a motion for a
23 reduction. The court will therefore grant the motion to withdraw.

24 Before being granted counsel, defendant filed a motion (#167) seeking Discretionary
25 Relief pursuant to 18 U.S.C. § 3582(c)(2). The court does not find a response from the United
26 States Attorney's office is necessary for a ruling on defendant's motion. The defendant was
27 sentenced to the statutory minimum sentence available and is therefore not entitled to a
28 reduction.

1 Accordingly,

2 IT IS HEREBY ORDERED that defendant's motion to withdraw (#175) is **GRANTED**.

3 IT IS FURTHER ORDERED that defendant's motion seeking Discretionary Relief
4 pursuant to 18 U.S.C. § 3582(c)(2) (#167) is **DENIED**.

5 IT IS SO ORDERED.

6 DATED this 9th day of September, 2015.

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LARRY R. HICKS
UNITED STATES DISTRICT JUDGE

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